

### **REMARKS**

This responds to the Office Action mailed on March 18, 2008.

No claims have been canceled, amended, or added. As a result, claims 1-36 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

If the Examiner sustains the Final Rejection of the claims in an Advisory Action, the following Remarks will appear in Applicant's Pre-Appeal Brief Request for Review to be filed with Applicant's Notice of Appeal.

**Rejection of Claims 1-3, 9-11, 17, 18, 22, 23, 27, 28, 32, and 33**  
**under 35 U.S.C. §103(a) as Unpatentable**  
**over Campbell in view of Dievendorff**

Claims 1-3, 9-11, 17, 18, 22, 23, 27, 28, 32, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell et al. (U.S. 2001/0024497 A1) in view of Dievendorff et al. (U.S. 5,465,328).

Because a *prima facie* case of obviousness has not been established, Applicants respectfully traverse this rejection.

The Examiner has the burden under 35 U.S.C. §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988).

***The References Do Not Teach All Claim Limitations.***

Regarding claim 1, for example, Applicants assert that none of the applied references teaches the following limitations:

**only if a workflow is successfully completed by a first workflow engine for an execution-requesting client, sending a notification to the execution-requesting client, else assigning the workflow to a subsequent workflow engine by sending it a work assignment message, in response to which the subsequent workflow engine alone performs the workflow; and**

**sending a notification to the execution-requesting client only if the workflow is successfully completed by the subsequent workflow engine.**

The Examiner concedes that Campbell fails to explicitly teach sending a notification to an execution-requesting client only if a workflow is successfully completed by a first workflow engine, else assigning the workflow to a subsequent workflow engine by sending it a workflow assignment message.

The Examiner states that Dievendorf discloses a fault-tolerant transaction-oriented data workflow processing system that notifies/updates only when the transaction is successfully completed, citing column 2, lines 11-16 and column 1, lines 47-63 to support his assertion.

Column 2, lines 11-16 of Dievendorf state:

“Another solution provided in fault-tolerant transaction processing systems is for resource updates to be made without prior checking of whether the transaction can successfully complete, but for them to be made permanent and visible to other applications only when the transaction does complete successfully; the application issues a COMMIT operation on successful completion of the transaction, confirming all updates.”

The above-cited passage from Dievendorf definitely does not disclose Applicants’ above-quoted limitations. This passage says that a resource update may be made permanent and visible to other applications only when the transaction completes successfully. This passage totally fails to disclose Applicants’ limitation appearing in claim 1:

**only if a workflow is successfully completed by a first workflow engine for an execution-requesting client, sending a notification to the execution-requesting client, else assigning the workflow to a subsequent workflow engine by sending it a work assignment message, in response to which the subsequent workflow engine alone performs the workflow [emphasis added]**

The above-cited passage from Dievendorff totally fails to disclose sending any notification to the execution-requesting client. To make a resource update “visible to other applications” is clearly very different from specifically sending a notification to the execution-requesting client.

Further, the Examiner’s citation of column 1, lines 47-63 of Dievendorff is definitely not relevant, because this passage makes absolutely no mention about sending any sort of notification.

The Examiner asserts that one of ordinary skill in the art would have known to modify the transaction system of Campbell such that it would send updates/notifications only when the transaction is successfully completed. However, as Applicants have shown above, Dievendorff totally fails to support the Examiner’s assertion that it discloses the following limitation in Applicants’ claim 1:

**only if a workflow is successfully completed by a first workflow engine for an execution-requesting client, sending a notification to the execution-requesting client**

Applicants further point out that Dievendorff explicitly discloses notifying the execution-requesting client even if the workflow is not successfully completed:

“In an implementation of the present invention in a transaction-oriented messaging and queuing system wherein a marked operation may be a transaction-initiating operation (i.e. a request for taking a message from a queue), committing the unit of work which is initiated following application-requested backout preferably causes any previously marked transaction-initiating operation to be committed; so that the message which raised an error condition is deleted from the message queue and is not constrained to be re-presented to the application to be processed in the same way as before. In addition to deleting the message from

the queue, the new (or continued) unit of work may include the step of notifying the initiator of a transaction request of the occurrence of an error [emphasis added].”<sup>1</sup>

This is in sharp contrast to each of Applicants’ independent claims, which recite that a notification is only sent to the client if the workflow is successfully completed.

Applicants’ method is more efficient than that of the suggested combination of Campbell and Dievendorff, because in Applicants’ method the execution-requesting client is not bothered with workflow failure messages. Instead, in Applicants’ method another workflow engine is assigned to process the workflow in a manner that can be completely transparent to the execution-requesting client.

***No Prima Facie Case of Obviousness Has Been Established.***

Thus, Applicants assert that a *prima facie* case of obviousness has not been established, because the references, whether considered individually or combined in the manner suggested by the Examiner, fail to disclose all of the elements as recited in Applicants’ independent claims.

For the above reasons, independent claims 1, 9, 17, 22, 27, and 32 should be found to be allowable over any combination of Campbell or Dievendorff, and Applicants respectfully request that the rejection of claims 1, 9, 17, 22, 27, and 32 under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Dievendorff should be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.<sup>2</sup>

All dependent claims, which depend, directly or indirectly, from independent claims 1, 9, 17, 22, 27, and 32 are also asserted to be allowable for the reasons presented above.

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<sup>1</sup> Col. 7, lines 39-52.

<sup>2</sup> MPEP §2143.03.

For the above reasons, Applicants respectfully request that the rejection of claims 1-3, 9-11, 17, 18, 22, 23, 27, 28, 32, and 33 under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Dievendorff be withdrawn.

**Rejection of Claims 4-8, 12-16, 19-21, 24-26, 29-31, and 34-36**  
**under 35 U.S.C. §103(a) as Unpatentable**  
**over Campbell in view of Dievendorff**  
**in view of Maffeis**

Claims 4-8, 12-16, 19-21, 24-26, 29-31, and 34-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell et al. in view of Dievendorff et al. and further in view of Maffeis (“Middleware Support for Application-to-Application Wireless Messaging,” WROX Professional Wireless Developers Conference, July 2000).

For the reasons presented earlier, each of independent claims 1, 9, 17, 22, 27, and 32 should be found to be allowable over Campbell in view of Dievendorff.

The disclosure of guaranteed message delivery by Maffeis does not add the limitations missing from Campbell and Dievendorff, as asserted above.

For the above reasons, Applicants respectfully request that the rejection of claims 4-8, 12-16, 19-21, 24-26, 29-31, and 34-36 under 35 U.S.C. §103(a) as being unpatentable over Campbell in view of Dievendorff, and further in view of Maffeis be withdrawn.

**Additional Elements and Limitations**

Applicants consider additional elements and limitations of the rejected pending claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

**Documents Cited But Not Relied Upon For This Office Action**

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action, because these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting

to this assertion and reserve the right to address the assertion should it form part of future rejections.

### **Conclusion**

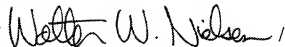
Applicants respectfully submit that claims 1-36 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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